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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,983	09/18/2006	Wataru Ikeda	P36313-02	6935

42212 7590 10/07/2010  
PANASONIC PATENT CENTER  
1130 CONNECTICUT AVENUE NW, SUITE 1100  
WASHINGTON, DC 20036

EXAMINER
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TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2481

NOTIFICATION DATE	DELIVERY MODE
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10/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/572,983	<b>Applicant(s)</b> IKEDA ET AL.	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/22/06,6/25/07,7/20/07,2/15/08,5/19/08,5/30/08,8/12/08,11/3/08,1/16/09,6/18/09,10/5/09,12/16/09,5/24/10,6/2/10.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 7** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 7 defines a program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). That is, the scope of the presently claimed a program can range from a paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on a “non-transitory computer-readable medium” or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by

Tsumagari et al. (US 2003/0161615) hereinafter “Tsumagari”.

5. **Regarding claim 5**, Tsumagari teaches a playback apparatus (Fig. 1, DVD-Video Player 100) that performs playback of a title that includes a digital stream (Fig 31 and paragraph 0075-0076 teaches of “Video title set (VTS#i) and another video title set...” ), and execution of an application (Fig. 31 and paragraphs 0075-0076 teaches an “ENAV content 30” that meets the claimed “application”), comprising:

a virtual machine operable to execute the application (Fig. 1 and paragraph 0092, “ENAV Engine 300”);

a playback control engine unit operable to perform playback control on the digital stream (Fig. 1 and paragraph 0089 teaches “DVD-Video playback engine 200”); and

an event manager (Fig. 1 and paragraphs 0093, 0109-0113 teaches an “Event generation-command/property processor 320” and “ENAV interpreter 330”) operable to, when an event is generated in response to a user operation (paragraphs 0192 teaches an example where a user inputs an operation in the form of a “menu button”), judge whether or not to cause the application to process the event (paragraph 0194 teaches wherein “**if ENAV contents include ENAV menu contents**, event generation-command/property process 320 executes a process of the ENAV menu”. Therefore,

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given the user operation of a “menu button”, it is judged that the “ENAV engine 300” performs the user operation of a menu operation. On the other hand, paragraph 0193 teaches wherein “if ENAV contents that have been fetched ... do not contain any ENAV menu ... event generation-command/property process 320 outputs a video-audio control signal as a “full video mode that means ... of the **DVD-Video playback engine 200**”), and when a result of the judgment is affirmative, further operable to output one of key events to the application (paragraph 0194 teaches wherein “if ENAV contents include ENAV menu contents, event generation-command/property process 320 executes a process of the ENAV menu”. Therefore, given the user operation of a “menu button”, it is judged that the “**ENAV engine 300**” performs the user operation of a menu operation.),

wherein the event manager includes an operation manager that, when the result of the judgment is negative, causes the playback control engine unit to process an operation corresponding to the event (as discussed above, in the determination of whether the ENAV contents 30 includes ENAV menu contents, paragraph 0193 teaches wherein “if ENAV contents that have been fetched ... **do not** contain any ENAV menu ... event generation-command/property process 320 outputs a video-audio control signal as a “full video mode that means ... of the **DVD-Video playback engine 200**”),).

**Regarding claim 6**, Tsumagari teaches the claimed wherein the digital stream (Fig 31 and paragraph 0075-0076 teaches of “Video title set (VTS#i) and another video title set...”), the application (Fig. 31 and paragraphs 0075-0076 teaches an “ENAV content 30” that meets the claimed “application”), and an index table have been

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recorded on a recording medium the index table shows titles and operation mode objects in one-to-one correspondence (Paragraphs 0058, 0062, 0064-65 teaches a "DVD video disc 1 comprising DVD-Video content 10 as well as ENAV contents 30, the DVD-Video contents 10 comprising VMG/VTSI, which is control data for one or more video contents VTS#1-VTS#n as well as the ENAV contents 30 allowing a user to playback the contents of each VTS by a method different from VMG/VTSI prepared by the provider", this meets the claimed "index table", since either the DVD-Video contents 10 and/or the ENAV contents 30 corresponds to a particular VMG/VTSI (and the corresponding VTS#1-VTS#n)), the operation mode objects include an operation mode object for a movie mode and an operation mode object for a virtual machine mode (as discussed above, and furthermore, paragraphs 0064-0066 teaches "ENAV contents 30 comprise playback information which contains a markup language, script language or the like, which describes playback methods of the ENAV contents data body and/or DVD-Video contents 10, the language used as the playback control information may be JavaScript", which meets the claimed "movie mode" and "virtual machine mode"), and the judgment made by the event manager is processing of, when one of the titles corresponding to the operation mode object for the virtual machine mode is selected as a current title (paragraph 0191 teaches "on the ENAV engine 300 side, after ENAV interpreter 300 fetches ENAV contents 30), judging to which one of the key events an application written in the operation mode object for the virtual machine mode corresponds (as discussed above, paragraphs 0192 teaches an example where a user inputs an operation in the form of a "menu button". Paragraph 0194 teaches wherein "if

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ENAV contents include ENAV menu contents, event generation-command/property process 320 executes a process of the ENAV menu". Therefore, given the user operation of a "menu button", it is judged that the "ENAV engine 300" performs the user operation of a menu operation. On the other hand, paragraph 0193 teaches wherein "if ENAV contents that have been fetched ... do not contain any ENAV menu ... event generation-command/property process 320 outputs a video-audio control signal as a "full video mode that means ... of the DVD-Video playback engine 200". Therefore, the limitation of "to which one of the key event ... for the virtual machine mode corresponds" is met by the DVD-Video Player 100's ability to determine to where the input operation of a "menu button" corresponds/(to be directed to)).

**Claims 7 and 8** are rejected for the same reasons as discussed in claim 5 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/Peter-Anthony Pappas/  
Supervisory Patent Examiner, Art Unit 2621